

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DERRAL FLEMING, and MAG
ENTERPRISES, LLC,

Plaintiffs,

v.

SCOTT PARNELL and SAMSON
SPORTS, LLC,

Defendants.

CASE NO. C13-5062 BHS

ORDER BIFURCATING TRIAL

This matter comes before the Court on the parties' joint statement regarding bifurcation (Dkt. 129).

On April 18, 2014, the Court denied the parties' cross-motions for summary judgment and requested a joint statement on the issue of bifurcating the upcoming trial. Dkt. 126. On April 25, 2014, the parties responded. Dkt. 129. Defendants request that the Court bifurcate the federal issues from the state issues and proceed to trial on the federal issues first. *Id.* at 9–14. Although Plaintiffs agree that the federal issues should be bifurcated from the state issues, they argue that the Court should proceed to trial on the state issues first. *Id.* at 2–4.

1 Plaintiffs present six arguments in support of their position. *Id.* at 2–8. These
2 arguments are without merit and are in direct contrast to Plaintiffs’ filing in this case. For
3 example, Plaintiffs argue that “if Defendants have no authority – lack standing – to bring
4 the claims they assert, then there are no Federal claims to try.” Dkt. 129 at 5. Plaintiffs’
5 complaint, however, sets forth three claims establishing federal question jurisdiction. *See*
6 Dkt. 1. Moreover, if the state law claims should be tried first, then the parties should stay
7 this action and lift the stay in the state court.

8 Therefore, the Court hereby **BIFURCATES** this matter and the parties will
9 proceed to trial on the federal claims only.

10 **IT IS SO ORDERED.**

11 Dated this 29th day of April, 2014.

12
13 

14 BENJAMIN H. SETTLE
15 United States District Judge
16
17
18
19
20
21
22